

THURSDAY, APRIL 29, 1999

TWENTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Speaker Pro Tempore Lois DeBerry.

The proceedings were opened with prayer by William Greathouse, Nashville, Tennessee.

Representative Beavers led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons.

Representative Phillips; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 320: Rep(s). Pleasant, Stulce, Turner (Hamilton), and Wood as prime sponsor(s).

THURSDAY, APRIL 29, 1999 -- TWENTY-FOURTH LEGISLATIVE DAY

House Bill No. 585: Rep(s). Ford, Hagood, and McCord as prime sponsor(s).

House Bill No. 673: Rep(s). Jackson and Hagood as prime sponsor(s).

House Bill No. 857: Rep(s). Boyer, Walker, Dunn, Maddox, and Fitzhugh as prime sponsor(s).

House Bill No. 1090: Rep(s). Pleasant and Brown as prime sponsor(s).

MESSAGE FROM THE SENATE

April 29, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1331; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 1331 -- Consumer Protection - Requires title pledge lender to send pledgor statement prior to beginning of any period of renewal. Amends TCA Title 45, Chapter 15, Part 1. by *Graves. (*HB935 by *McDonald)

MESSAGE FROM THE SENATE

April 29, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 7 and 100; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 7 -- Naming and Designating - "Don Sundquist Center of Advanced Industrial Technologies," Motlow State Community College, Fayetteville. by *Cooper, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams.

***Senate Joint Resolution No. 100** -- Memorials, Congress - Urges correction of inequity in Medicare/TennCare reimbursement for ambulance services. by *McNally.

RESOLUTIONS REFERRED

Pursuant to **Rule No. 44**, The following resolution(s) was/were referred to the following Committee(s):

***House Joint Resolution No. 211** -- General Assembly, Confirmation of Appointment - Avron Fogelman, State Board of Education. by *Kent.

House Education Committee

Senate Joint Resolution No. 7 -- Naming and Designating - "Don Sundquist Center of Advanced Industrial Technologies," Motlow State Community College, Fayetteville. by *Cooper, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams.

House Education Committee

***Senate Joint Resolution No. 100** -- Memorials, Congress - Urges correction of inequity in Medicare/TennCare reimbursement for ambulance services. by *McNally.

House Finance, Ways and Means Committee

***Senate Joint Resolution No. 117** -- Memorials, Congress - Urges enactment of legislation to prohibit recoupment of state tobacco settlement funds by federal government and to ensure complete state autonomy over allocation and expenditure of such funds; expresses sense of general assembly that such funds should be paid to states without limitation. by *McNally, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

House Finance, Ways and Means Committee

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and previously referred to the appropriate Committee:

***House Joint Resolution No. 200** -- General Assembly, Confirmation of Appointment - Dr. June Scobee, Tennessee Higher Education Commission. by *McAfee.

Previously referred to the House Education Committee

***House Joint Resolution No. 201** -- General Assembly, Confirmation of Appointment - George McGrath, Tennessee forestry commission. by *Windle, *McDaniel.

Previously referred to the House Agriculture Committee

***House Joint Resolution No. 202** -- General Assembly, Confirmation of Appointment - Faye Barna, Tennessee forestry commission. by *Winningham, *McDaniel.

Previously referred to the House Agriculture Committee

***House Joint Resolution No. 203** -- General Assembly, Confirmation of Appointment - Roosevelt Allen, Tennessee forestry commission. by *Boyer, *McDaniel.

Previously referred to the House Agriculture Committee

THURSDAY, APRIL 29, 1999 -- TWENTY-FOURTH LEGISLATIVE DAY

***House Joint Resolution No. 204** -- General Assembly, Confirmation of Appointment - Fielding Rolston, State Board of Education. by *Westmoreland.

Previously referred to the House Education Committee

***House Joint Resolution No. 205** -- Highway Signs - "Marie Hart Head Highway," State Highway 400, Carter County. by *Cole (Carter).

Previously referred to the House Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 3, 1999:

House Joint Resolution No. 210 -- Memorials, Sports - Coach Jimmy Allen and 1956 Lebanon Junior High football team reunion. by *Bone.

House Joint Resolution No. 212 -- Memorials, Recognition - University of Memphis; University College. by *DeBerry J.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1968 -- Lebanon - At request of special school district board, authorizes Lebanon special school district to issue \$6.5 million in bonds for school construction and improvements. Amends Chapter 330 of the Acts of 1901. by *Bone.

House Bill No. 1969 -- Rutherford County - Subject to local approval, changes wheel tax issuance fee Amends Chapter 329 of the Private Acts of 1970. by *Eckles, *Beavers, *Hood.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 310** -- Health - Enacts "Clinical Perfusionist Licensure Act." Amends TCA Title 63. by *Ford J, *Crutchfield, *Fowler. (HB592 by *Armstrong, *Eckles, *Pruitt, *Jones U (Shelby), *DeBerry L, *Turner (Hamilton), *Whitson, *DeBerry J, *Cole (Carter), *Brown, *Odom, *Turner (Shelby))

Senate Bill No. 364 -- TennCare - Requires that application for TennCare include place of residence as well as address. Amends TCA Section 71-5-110. by *Haun, *Herron, *Williams, *Crowe. (*HB320 by *Patton, *Caldwell, *Ford S, *Curtiss, *Tidwell, *Fitzhugh, *Davis (Washington), *Harwell, *Beavers, *Dunn, *Cole (Carter), *Kent, *Jackson, *Godsey, *Mumpower, *Odom, *Montgomery, *Buttry, *McKee, *Hood, *McDaniel, *Hagood, *Walker (Rhea), *Baird, *Todd, *Maddox, *Goins, *Bunch, *Newton, *Hargett, *Kerr)

THURSDAY, APRIL 29, 1999 -- TWENTY-FOURTH LEGISLATIVE DAY

***Senate Bill No. 509** -- Highways, Roads and Bridges - Changes name of "Local Interstate Connecting Route Act" to "Local Interstate and Limited Access Highway Connector Act"; makes conforming changes to expand scope of act to include limited access highways. Amends TCA Title 54, Chapter 5, Part 5. by *Graves. (HB504 by *Black)

***Senate Bill No. 510** -- Paternity - Creates right of putative father to file petition under present legitimation statute, notwithstanding dismissal of petition under prior legitimation statute when dismissal was based on mother's marriage to another man at time of conception or on petitioner's lack of standing; doctrines of res judicata and collateral estoppel do not bar new action. Amends TCA Title 36, Chapter 2, Part 3. by *Graves. (HB505 by *Black)

***Senate Bill No. 531** -- Workers' Compensation - Requires department of labor to provide information to employers related to utilization review system required under TCA 50-6-124. Amends TCA Title 50, Chapter 6. by *Crutchfield. (HB751 by *Buck)

***Senate Bill No. 616** -- Workers' Compensation - Authorizes workers' compensation specialist to order retroactive payment of benefits. Amends TCA Title 50, Chapter 6. by *Haynes. (HB753 by *Buck)

Senate Bill No. 658 -- Fences and Enclosures - Adds additional types of fencing to inventory of sufficient fences; deletes provisions requiring enclosure of cotton gins, saltpeter and saltworks; deletes provisions relative to grazing and ranging of livestock Amends TCA Title 44, Chapter 8. by *Cooper, *Williams. (*HB470 by *Givens, *Walker (Rhea))

Senate Bill No. 708 -- Workers' Compensation - Increases from \$4,500 to \$9,000 amount of burial expenses paid for deceased employee who died from injury or occupational disease. Amends TCA Section 50-6-204. by *Herron, *Dixon, *Williams, *Crowe. (*HB301 by *Maddox, *Bowers)

Senate Bill No. 746 -- Taxes, Hotel Motel - Increases hotel/motel tax in metropolitan area by 1 percent, revenue to be expended for tourist promotion; tax repealed on June 30, 2000. Amends TCA Section 7-4-110 and Section 7-4-102. by *Henry, *Harper. (*HB629 by *Arriola, *Briley, *Pruitt)

***Senate Bill No. 789** -- Managed Care Organizations - Revises certain provisions under independent review process of HMOs. Amends TCA Title 56, Chapter 32. by *McNally, *Miller J. (HB703 by *Jones, S., *McMillan, *Caldwell)

***Senate Bill No. 791** -- Tort Liability - Enacts "Good Samaritan Protection Act." Amends TCA Title 29, Chapter 34, Part 2. by *Cohen, *Person, *Carter, *McNally, *Miller J, *Williams, *Crowe. (HB1254 by *Newton, *Briley, *Sands)

Senate Bill No. 978 -- Drugs - Adds Stadol to list of schedule IV drugs. Amends TCA Title 39, Chapter 17, Part 4. by *McNally, *Blackburn, *Person. (*HB879 by *Sargent)

***Senate Bill No. 1592** -- Sentencing - Requires board of probation and parole to conduct presentence physical and mental examinations of indigent persons found guilty of crime. Amends TCA Section 40-35-205. by *Crowe, *Atchley. (HB1108 by *Newton, *Boyer)

THURSDAY, APRIL 29, 1999 -- TWENTY-FOURTH LEGISLATIVE DAY

Senate Bill No. 1915 -- Taxes, Personal Property - Creates tax waivers regarding personal and real property if certain findings made by tax collecting officer or court. Amends TCA Title 67, Chapter 5. by *Rochelle, *Davis L. (*HB1497 by *Scroggs)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were previously referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 1924** -- Highway Signs -- Previously referred to the House Transportation Committee

***House Bill No. 1925** -- Appropriations -- Previously referred to the House Finance, Ways and Means Committee

***House Bill No. 1926** -- Bond Issues -- Previously referred to the House Finance, Ways and Means Committee

House Bill No. 1927 -- Appropriations -- Previously referred to the House Finance, Ways and Means Committee

House Bill No. 1936 -- Ethics -- Previously referred to the House State and Local Government Committee

***House Bill No. 1938** -- Administrative Procedure -- Previously referred to the House Government Operations Committee

***House Bill No. 1945** -- Juvenile Offenders -- Previously referred to the House Children and Family Affairs Committee

House Bill No. 1961 -- Alcoholic Beverages -- Previously referred to the House State and Local Government Committee

House Bill No. 1964 -- Obion County -- Local Bill Held on House Desk

***House Bill No. 1965** -- Taxes -- Previously referred to the House Finance, Ways and Means Committee

***House Bill No. 1967** -- Transportation, Dept. of -- Previously referred to the House State and Local Government Committee

CAPTION BILLS REFERRED

Pursuant to **Rule No. 47**, the following Caption Bill(s), 1696 held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 1696 -- Alcoholic Beverages -- House State and Local Government Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 29, 1999**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for May 5, 1999**: House Bill(s) No(s). 1919, 443, 1645, 1104, 866, 1811, 955, 1095, 1423, 688, 701, 336, 7, 1568, 614, 598, 1122, 1747, 1111 and House Joint Resolution(s) No(s). 2..

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for May 3, 1999**: House Bill(s) No(s). 1108, 7, House Joint Resolution(s) No(s). 184, 179, 186 and Senate Joint Resolution(s) No(s). 211.

The Committee further reports that House Bill(s) No(s). 674 and 1307 were referred to the Budget Subcommittee.

CONSENT CALENDAR

House Resolution No. 41 -- Memorials, Personal Achievement - Jessica Pierce, 1999 Girl Scout Gold Award recipient. by *Todd.

House Resolution No. 42 -- Memorials, Recognition - Andreas Becker, Exchange Student, Germany. by *Fraley.

House Resolution No. 43 -- Memorials, Retirement - Gwen Adkins. by *Boyer.

House Resolution No. 44 -- Memorials, Personal Achievement - Adam Eldridge, Eagle Scout. by *Black.

House Joint Resolution No. 206 -- Memorials, Recognition - Dr. Leslie A. Berstrom. by *Bone.

House Joint Resolution No. 207 -- Memorials, Personal Occasion - Mr. and Mrs. Benjamin S. Adams, 40th Wedding Anniversary. by *Caldwell.

House Joint Resolution No. 208 -- Memorials, Sports - Kaia Jergenson, Gallatin High School basketball player. by *Black.

House Joint Resolution No. 209 -- Memorials, Recognition - Mansfield Douglas III. by *Pruitt, *Briley, *Robinson, *Langster, *West, *Arriola, *Harwell, *Odom, *Jones, S..

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes95
 Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 673** -- Insurance, Health, Accident - Requires certain entities to designate physician licensed in Tennessee as medical director, responsible for treatment policies and utilization management and to ensure certain service delivery decisions are made by doctor or licensed person and to limit retrospective denial of coverage; noncompliance is basis for certificate of authority action. Amends TCA Title 56, by *Caldwell, *Hargrove, *Naifeh, *DeBerry L., *Rinks, *Williams (Williamson), *Arriola, *McDonald, *Kisber, *Armstrong, *Turner (Shelby), *Lewis, *Stulce, *Sands, *Davidson, *Pinion, *Jones, S., *Ridgeway, *Bone, *Robinson, *Ferguson, *Brooks, *Tindell, *Eckles, *Newton, *Scroggs, *West, *Hood, *Fraley, *Miller L., *Maddox, *Pruitt, *Winningham, *Hargett, *Pleasant, *Cooper B., *Ford S., *Brown, *Langster, *Dunn, *Sargent, *Givens, *Patton, *White, *Fitzhugh. (SB1117 by *Cooper)

Further consideration of House Bill No. 673 previously considered on March 24, 1999, at which time it was reset for today's Calendar.

Rep. Caldwell moved that House Bill No. 673 be reset for the Regular Calendar on May 6, 1999, which motion prevailed.

***House Bill No. 857** -- Criminal Offenses - Creates Class A misdemeanor offense of pointing laser pointer device at law enforcement officer with intent to frighten officer or interfere with performance of officer's official duties. Amends TCA Title 39, Chapter 16, Part 5, by *McDonald, *Bone, *West, *Davidson, *Hood, *Rhinehart. (SB895 by *Rochelle, *Kurita, *Williams)

On motion, House Bill No. 857 was made to conform with **Senate Bill No. 895**; the Senate Bill was substituted for the House Bill.

Rep. McDonald moved that Senate Bill No. 895 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 895 by deleting SECTION 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 5, is amended by adding the following as a new section:

39-16-5__.

(a) It is an offense to knowingly activate and point a laser pointer or other device utilizing a laser beam at a person known to be a law enforcement officer while the officer is in the performance of such officer's official duties with the intent to place such officer in fear of serious bodily injury or death.

(b) In order for subsection (a) to apply:

(1) The law enforcement officer must actually be placed in fear of serious bodily injury or death;

(2) The fear must be real or honestly believed to be real at the time; and

(3) Based upon the facts and circumstances surrounding the defendant's conduct, the fear must be founded upon reasonable grounds.

(c) A violation of this section is a Class A misdemeanor.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. McDonald moved that **Senate Bill No. 895**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 935** -- Consumer Protection - Requires title pledge lender to send pledgor statement prior to beginning of any period of renewal. Amends TCA Title 45, Chapter 15, Part 1. by *McDonald. (SB1331 by *Graves)

Rep. McDonald requested that House Bill No. 935 be moved to the heel of the Calendar.

***House Bill No. 262** -- Election Laws - Requires that state election commission instead of POST commission verify qualifications of person seeking office of sheriff; establishes time limits for such verification. Amends TCA Title 2, Chapter 11, Part 1; Title 2, Chapter 5, Part 2 and Title 8, Chapter 8, Part 1. by *Buck. (SB875 by *Burks)

Rep. Buck moved that House Bill No. 262 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 262 by deleting all language in its entirety after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-8-102(b), is amended by deleting subdivision (5) and (8) in their entirety and substituting instead the following:

(5) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances; so long as the violation involves an offense that consists of moral turpitude or a misdemeanor crime of domestic violence;

(8) Have been certified within ten (10) years of the qualifying deadline by a qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM III) or its successor, of the American Psychiatric Association; and

SECTION 2. Tennessee Code Annotated, Section 8-8-102(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c)(1) Any person seeking the office of sheriff shall file with the POST commission, either prior to the qualifying deadline for such office, or after filing the qualifying petition for such office, the following:

(A) an affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section; and

(B) a confirmation of psychological evaluation form certified by the psychologist/psychiatrist providing psychological evaluation as provided for in 8-8-102(b)(8) for the purposes of sheriff candidacy qualification. The form shall be developed by the POST commission and shall include the examining psychologist/psychiatrist's license number and state of licensure. The form shall clearly state in bold face type directly above the signature line that a person who, with intent to deceive, makes any false statement on such application commits the offense of perjury pursuant to § 39-16-702. The form shall be made available by the POST commission upon request by any candidate for the office of sheriff.

(2) If such affidavit and form is not filed with the POST commission by the withdrawal deadline for the office of sheriff, such candidate's name shall not be placed on the ballot. The POST commission shall have the authority to verify the validity of such affidavit and form.

(3) The POST commission shall verify POST certification of any person seeking the office of sheriff who meets these requirements. The original notarized verification form from POST, along with such person's nominating petition shall be filed by the POST Commission with the county election commission as soon as possible. If the POST commission has not certified to the county election commission no later than the last day on which ballots may be printed a person seeking to qualify as a candidate for the office of sheriff as meeting the qualifications as provided for in this section, such person's name shall not appear on the ballot. In the event that a person seeks election to the office of sheriff by the county legislative body to fill a vacancy in office, such verification must be filed with the county clerk prior to the election.

SECTION 3. This act shall take effect on July 1, 1999, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Buck requested that House Bill No. 262 be moved down 5 places on the Calendar.

***House Bill No. 585** -- Firearms and Ammunition - Reserves exclusively to state right to sue and recover damages from firearms and ammunition manufacturers for lawful sale of firearms and ammunition; pre-empt local regulation of gun shows Amends TCA Title 39, Chapter 17, Part 13. by *Bittle, *Buck, *Jackson, *Buttry, *Newton, *Tidwell, *Gunnels, *Pleasant, *Walker (Rhea), *McKee, *Montgomery, *Davis (Washington), *Sands, *Walley, *Hargett, *Davis (Cocke), *Scroggs, *Wood, *Ridgeway, *Roach, *Beavers. (SB1523 by *Ramsey)

Rep. Bittle moved that House Bill No. 585 be reset for the Regular Calendar on May 13, 1999, which motion prevailed.

House Bill No. 1354 -- Physicians and Surgeons - Makes physician health programs engaged in peer review immune from liability; makes information furnished to or generated by medical peer review committees privileged. Amends TCA Title 63, Chapter 6, Part 2. by *Caldwell. (*SB1378 by *Person)

Rep. Caldwell moved that House Bill No. 1354 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1354 by deleting Sections 1 and 2 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-6-219(d)(1), is amended by adding the following language at the end of the subdivision:

Physicians health programs and physicians health peer review committees shall be immune from liability for providing intervention, referral, and other support services to the minor children or spouse or both of physicians.

SECTION 2. Tennessee Code Annotated, Section 63-6-219(e), is amended by deleting the second sentence of the subsection and by substituting instead the following language:

All such information, in any form whatsoever, so furnished to, or generated by, a medical peer review committee, shall be privileged.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1354 by deleting the language "(d)" in the directory language of SECTION 3 of the printed bill.

On motion, Judiciary Committee Amendment No. 2 was adopted.

Rep. Caldwell moved that **House Bill No. 1354**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1771 -- Transportation, Dept. of - Requires department to establish web page for dissemination of information concerning road construction. Amends TCA Title 54, Chapter 1, Part 1. by *Cole (Dyer), *Rinks, *McKee, *Phelan, *Ridgeway, *Westmoreland. (*SB1278 by *Springer)

Rep. Cole (Dyer) moved that House Bill No. 1771 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1771 By deleting subsection (a) of the amendatory language of Section 1 of the printed bill in its entirety and by substituting instead the following:

(a) The department of transportation shall develop and maintain a web page on the World Wide Web of the Internet. The web page shall include:

- (1) Construction locations on all interstate highways maintained by the department; and
- (2) A map, updated weekly, of construction locations and areas of possible delay.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Cole (Dyer) moved that **House Bill No. 1771**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1090 -- Aircraft and Airports - Expands board of Chattanooga Metropolitan Airport Authority from 7 to 11 members, who shall have no financial interest in airport or its concessions; six must be residents of city; board comprised of persons of good standing in fields of engineering, law, industry, commerce and finance. Amends TCA Section 42-4-105. by *Sharp. (*SB1550 by *Crutchfield)

On motion, House Bill No. 1090 was made to conform with **Senate Bill No. 1550**; the Senate Bill was substituted for the House Bill.

Rep. Sharp moved that Senate Bill No. 1550 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Turner (Hamilton) moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1550 by adding at the end of the amendatory language of Section 1 the following new sub-item:

() In the process of selecting, nominating, and choosing the members to serve on the board of the airport authority, the mayor shall review all candidates when making appointments to assure that full consideration has been given to each appointment and has considered age, gender and race, and further that appropriate balance should be given to each consideration. The purpose of such review is to assure inclusion in the operation of the airport authority.

THURSDAY, APRIL 29, 1999 -- TWENTY-FOURTH LEGISLATIVE DAY

Further, members of the legislative delegation shall be given quarterly reports and/or briefings of the activities and plans and conditions of the authority and any proposals for capitol expansion and/or improvements shall be given to the legislative delegation prior to such expansion or improvements.

On motion, Amendment No. 2 was adopted.

Rep. Sharp requested that Senate Bill No. 1550 be moved to the heel of the Calendar.

***House Bill No. 320** -- TennCare - Requires that application for TennCare include place of residence as well as address. Amends TCA Section 71-5-110. by *Patton, *Caldwell, *Ford S, *Curtiss, *Tidwell, *Fitzhugh, *Davis (Washington), *Harwell, *Beavers, *Dunn, *Cole (Carter), *Kent, *Jackson, *Godsey, *Mumpower, *Odom, *Montgomery, *Buttry, *McKee, *Hood, *McDaniel, *Hagood, *Walker (Rhea), *Baird, *Todd, *Maddox, *Goins, *Bunch, *Newton, *Hargett, *Kerr. (SB364 by *Haun, *Herron, *Williams, *Crowe)

Further consideration of House Bill No. 320 previously considered on April 28, 1999, at which time it was reset for today's Calendar.

On motion, House Bill No. 320 was made to conform with **Senate Bill No. 364**; the Senate Bill was substituted for the House Bill.

Rep. Patton moved that Senate Bill No. 364 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Patton moved that **Senate Bill No. 364** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

THURSDAY, APRIL 29, 1999 -- TWENTY-FOURTH LEGISLATIVE DAY

***House Bill No. 262** -- Election Laws - Requires that state election commission instead of POST commission verify qualifications of person seeking office of sheriff; establishes time limits for such verification. Amends TCA Title 2, Chapter 11, Part 1; Title 2, Chapter 5, Part 2 and Title 8, Chapter 8, Part 1. by *Buck. (SB875 by *Burks)

Further consideration of House Bill No. 262 previously considered on today's Calendar at which time the House adopted Amendment No. 1.

Rep. Buck moved that House Bill No. 262 be reset for the Regular Calendar on May 3, 1999, which motion prevailed.

***House Bill No. 935** -- Consumer Protection - Requires title pledge lender to send pledgor statement prior to beginning of any period of renewal. Amends TCA Title 45, Chapter 15, Part 1. by *McDonald. (SB1331 by *Graves)

Further consideration of House Bill No. 935 previously considered on today's Calendar.

On motion, House Bill No. 935 was made to conform with **Senate Bill No. 1331**; the Senate Bill was substituted for the House Bill.

Rep. McDonald moved that Senate Bill No. 1331 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Miller moved the previous question, which motion prevailed.

Rep. McDonald moved that **Senate Bill No. 1331** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***Senate Bill No. 1550** -- Aircraft and Airports - Expands board of Chattanooga Metropolitan Airport Authority from 7 to 11 members, who shall have no financial interest in airport or its concessions; six must be residents of city; board comprised of persons of good standing in fields of engineering, law, industry, commerce and finance. Amends TCA Section 42-4-105. by *Crutchfield. (HB1090 by *Sharp, *Pleasant, *Brown)

Further consideration of Senate Bill No. 1550 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill and the House withdrew Amendment No. 1 and adopted Amendment No. 2.

Rep. Sharp moved that Senate Bill No. 1550 be passed on third and final consideration.

Rep. Kernell moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1550 by designating subdivision (D) of Section 1, as amended, as subdivision (D)(1), and by adding a new subdivision thereto, as follows:

(2) The provisions of this subdivision shall not apply to any county which borders two (2) states and has a population of more than five hundred thousand (500,000) according to the 1990 federal census, or any subsequent federal census.

On motion, Amendment No. 3 was adopted.

Rep. Sharp moved that **Senate Bill No. 1550**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 26** -- County Officers - Enables county clerk to accept payment of fees, fines, court costs and other charges by credit card. Amends TCA Section 8-21-107. by *Chumney, *Kent, *Cole (Carter). (SB249 by *Kyle)

Senate Amendment No. 1

AMEND House Bill No. 26 By adding the following as a new section to precede the effective date section:

SECTION ____ Tennessee Code Annotated, Section 8-21-107, is amended by adding a new subsection thereto, as follows:

(f) The county clerk collecting a fee or charge under this chapter shall state on any notice to the taxpayer either the percentage of the processing fee for use of a credit card or the actual fee imposed for the use of a credit card.

Rep. Chumney moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 26**, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Williams, Windle, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 195 -- Highway Signs - Names rest areas, weigh stations and welcome center on "Music Highway" (I-40 between Memphis and Nashville) in honor of various Tennessee musical artists and entities; provides for appropriate signage at such locations; urges department of tourist development to place at each such location graphic displays including information on area's musical heritage and specific artist or entity for which such location is named. by *Kisber, *McDaniel, *Naifeh, *Todd, *Robinson, *Caldwell, *Ferguson, *Whitson, *Winningham, *Pleasant, *Kernell, *Davis (Cocke), *Cooper B, *Fitzhugh, *Rinks, *Cole (Dyer), *Pinion, *Walley, *Kent, *Cole (Carter), *West, *Bone, *Patton, *Ford S, *Bittle, *Boyer, *Miller L, *Brooks, *Bowers, *DeBerry L, *Towns, *Stulce, *Walker (Rhea). (*SB57 by *Cohen, *Rochelle, *Kurita, *Springer, *Cooper, *Carter, *Ford J, *Dixon, *Crowe)

On motion, House Bill No. 195 was moved to the heel of the Message Calendar, without objection.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 210** -- Tattoo Parlors and Piercing Establishments - Requires minors age 17 or younger to have written permission of parent or guardian before receiving body piercing. Amends TCA Title 62, Chapter 38. by *Davis L, *Miller J, *Burks, *Crowe. (HB211 by *Ferguson, *Maddox, *Fitzhugh, *Walker (Rhea), *Stulce)

Rep. Ferguson moved that the House refuse to recede from its action in adopting House Amendment No. 2 to **Senate Bill No. 210**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 247 -- Attorneys at Law - Authorizes state and county bar associations to bring action against persons or entities engaged in unauthorized practice of law or other misconduct. Amends TCA Section 23-3-103. by *Stulce. (*SB26 by *Fowler)

Senate Amendment No. 7

AMEND House Bill No. 247 amend by adding the phrase "and having a population in excess of 100,000" after the words "having a metropolitan form of government"

Rep. Stulce moved that the House concur in Senate Amendment(s) No(s). 7 to **House Bill No. 247**, which motion prevailed by the following vote:

Ayes96
Noes0

THURSDAY, APRIL 29, 1999 -- TWENTY-FOURTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 659 -- Domestic Violence - Provides that person arrested for domestic violence not be released from custody on bail within 12 hours of such arrest unless official authorized to release such person makes certain written findings which will be attached to the warrant; provides law enforcement agency having custody of defendant give victim of domestic violence address and telephone number of nearest source of assistance. Amends TCA Title 40, Chapter 11, Part 1. by *Ferguson, *Bowers, *Jones, S., *Newton, *Lewis, *Turner (Hamilton), *Rinks, *Eckles, *DeBerry L., *Gunnels, *McKee, *Tindell, *Harwell, *Caldwell, *Towns, *Hassell, *Scroggs, *Arriola, *Cooper B., *Buck, *Bittle, *Ridgeway, *Fraley, *Stulce, *Winningham, *Hargett, *Baird, *Fitzhugh, *Bone, *West, *Pleasant, *Hagood, *Montgomery, *Buttry, *Walker (Rhea), *Langster. (*SB611 by *Davis L)

Rep. Ferguson moved that House Bill No. 659 be reset for the Message Calendar on May 5, 1999, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1031 -- Fire Prevention and Investigation - Expands inherently dangerous conditions in buildings to include "any dangerous or defective condition," which if found by official of fire prevention division requires immediate correction so as not to place responsibility for condition on owner, occupant, architect, contractor, builder, mechanic, electrician or other person. Amends TCA Section 68-102-117. by *Jones U (Shelby), *Miller L, *Pleasant, *DeBerry J. (*SB1035 by *Dixon)

Rep. U. Jones moved that the House nonconcur in Senate Amendment(s) No(s). 2 to **House Bill No. 1031**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 195 -- Highway Signs - Names rest areas, weigh stations and welcome center on "Music Highway" (I-40 between Memphis and Nashville) in honor of various Tennessee musical artists and entities; provides for appropriate signage at such locations; urges department of tourist development to place at each such location graphic displays including information on area's musical heritage and specific artist or entity for which such location is named. by *Kisber, *McDaniel, *Naifeh, *Todd, *Robinson, *Caldwell, *Ferguson, *Whitson, *Winningham, *Pleasant, *Kernell, *Davis (Cocke), *Cooper B, *Fitzhugh, *Rinks, *Cole (Dyer), *Pinion, *Walley, *Kent, *Cole (Carter), *West, *Bone, *Patton, *Ford S, *Bittle, *Boyer, *Miller L, *Brooks, *Bowers, *DeBerry L, *Townes, *Stulce, *Walker (Rhea). (*SB57 by *Cohen, *Rochelle, *Kurita, *Springer, *Cooper, *Carter, *Ford J, *Dixon, *Crowe)

Further consideration of House Bill No. 195 previously considered on today's Message Calendar.

On motion, House Bill No. 195 was reset for the Message Calendar on May 5, 1999, which motion prevailed.

UNFINISHED BUSINESS

MOTION TO RECONSIDER

Rep. Curtiss moved to lift from the table the motion to reconsider action on House Bill No. 1720, which motion prevailed.

House Bill No. 1720 -- Insurance Companies, Agents, Brokers, Policies - Enacts "Tennessee Creditor-Placed Insurance Act of 1999.". by *Rhinehart, *Buck. (*SB1712 by *Womack)

Rep. Curtiss moved that the House reconsider its action in passing House Bill No. 1720, which motion prevailed.

Rep. Curtiss moved that House Bill No. 1720 be placed on the Regular Calendar for May 3, 1999 which motion prevailed.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 3, 1999:

House Bill No. 508: by Rep. Odom

House Bill No. 1310: by Rep. Givens

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 2: Rep(s). Kernell as prime sponsor(s).

House Bill No. 415: Rep(s). Maddox, Pinion, Ridgeway, and Tidwell as prime sponsor(s).

House Bill No. 1027: Rep(s). Brooks, Jones, and Kernell as prime sponsor(s).

House Bill No. 1031: Rep(s). Cooper as prime sponsor(s).

MESSAGE FROM THE SENATE

April 29, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 226; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 29, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1310; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 29, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 52 and 88; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 29, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 845; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 29, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 260, 482, 1255 and 1948; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 29, 1999

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1354, 1771, also, House Joint Resolution(s) No(s) 206, 207, 208, 209.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 29, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 709, 858, 984, 1079, 1120, 1310, 1459, 1464, 1544, 1588, 1595, 1604, 1609, 1638, 1649, 1712, 1788, 1793, 1805, 1826, 1882, 1909, 1914 and 1945; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 709 -- Workers' Compensation - Increases from \$10,000 to \$20,000 lump sum amount paid to estate of deceased employee where such employee leaves no dependents. Amends TCA Section 50-6-209. by *Herron. (*HB294 by *Maddox)

***Senate Bill No. 858** -- Sentencing - Enacts "Criminal Sentence Explanation Act of 1999." Amends TCA Title 40, Chapter 35, Part 2. by *Kyle, *Kurita. (HB1141 by *McMillan)

Senate Bill No. 984 -- Courts, Chancery - Authorizes city judges to administer oaths. Amends TCA Title 16, Chapter 18. by *Rochelle. (*HB916 by *Bone)

***Senate Bill No. 1079** -- Banks and Financial Institutions - Revises certain procedures concerning remedies for nonpayment of rent on safe deposit boxes. Amends TCA Section 45-2-907. by *Womack. (HB1258 by *White, *Fitzhugh)

***Senate Bill No. 1120** -- Banks and Financial Institutions - Authorizes credit card state banks to make personal and consumer loans; authorizes making of commercial loans if charter of new bank contains provision or if charter of present bank is amended electing to engage in commercial lending; adds definition of "loan" as any extension of credit for personal, consumer or commercial purposes. Amends TCA Title 45, Chapter 2, Part 19. by *Cooper. (HB1358 by *Fitzhugh, *Rhinehart, *Phelan, *Lewis, *Rinks, *Gunnels)

***Senate Bill No. 1310** -- TennCare - Revives TennCare oversight committee statute; extends committee to 2004; clarifies definition of "MCO." Amends TCA Title 3, Chapter 15, Part 5. by *Herron, *Graves. (HB1433 by *Jackson)

THURSDAY, APRIL 29, 1999 -- TWENTY-FOURTH LEGISLATIVE DAY

***Senate Bill No. 1459** -- Taxes, Personal Property - Establishes certain policies with respect to classification of property of water transportation carrier companies. Amends TCA Title 67, Chapter 5, Part 13 and Title 67, Chapter 5, Part 5. by *Henry. (HB1193 by *Kisber, *Walley)

Senate Bill No. 1464 -- Courts, General Sessions - Permits judgment creditor to examine judgment debtor in general sessions proceedings Amends TCA Title 16, Chapter 15, Part 7, Section 712. by *Henry, *Haynes. (*HB962 by *Head)

***Senate Bill No. 1544** -- Tobacco, Tobacco Products - Enacts "Tennessee Tobacco Manufacturers' Escrow Fund Act of 1999." Amends TCA Title 47. by *Haun, *Burks, *Williams. (HB1311 by *Givens, *Bowers, *Ferguson, *Roach, *Walker (Rhea))

***Senate Bill No. 1588** -- Consumer Protection - Enacts "Tennessee Identity Theft Deterrence Act of 1999." Amends TCA Title 47, Chapter 18. by *Fowler, *Atchley, *Burchett, *Cohen, *Graves, *Leatherwood, *McNally, *Burks, *Kurita, *Miller J. (HB1104 by *Boyer, *Ford S, *Sharp, *Hagood)

***Senate Bill No. 1595** -- Textbooks - Modifies textbook adoption process - TCA Sections 49-3-310, 49-6-2203, 49-6-2204, and 49-6-2207. by *Elsea, *Atchley, *Burks, *Crowe. (HB1111 by *Montgomery, *Ford S)

***Senate Bill No. 1604** -- Tattoo Parlors and Piercing Establishments - Revises laws pertaining to regulation of tattoo parlors. Amends TCA Title 62, Chapter 38. by *Burchett, *McNally, *Crowe. (HB1120 by *Davis (Washington), *McDaniel)

Senate Bill No. 1609 -- Children, Employment of - Prohibits selling of goods or services in certain circumstances by minors under age 16; specifies penalty for employers violating youth-peddling provisions. Amends TCA Section 50-5-102. by *Clabough, *McNally. (*HB1125 by *Scroggs, *Boyer)

Senate Bill No. 1638 -- Driver Licenses - Imposes certain driving restrictions on persons under age of 18. Amends TCA Title 55, Chapter 50. by *Ramsey, *Haun, *Crowe, *Miller J. (*HB1385 by *Mumpower)

***Senate Bill No. 1649** -- Tobacco, Tobacco Products - Makes importation of cigarettes into Tennessee that have been marked for export out of United States and other violations of federal law offense under state law. Amends TCA Title 67, Chapter 4. by *Haun, *Burks, *Williams. (HB1485 by *Givens)

***Senate Bill No. 1712** -- Insurance Companies, Agents, Brokers, Policies - Enacts "Tennessee Creditor-Placed Insurance Act of 1999.". by *Womack. (HB1720 by *Rhinehart, *Buck)

Senate Bill No. 1788 -- Welfare - Broadens offense of fraud of public assistance benefits. Amends TCA Section 71-3-120 and Title 71, Chapter 5, Part 3. by *Fowler, *McNally, *Williams. (*HB1868 by *Scroggs, *McDaniel)

Senate Bill No. 1793 -- Business Organizations - Deletes requirement that limited liability company file certain information that commissioner of revenue may require; directs penalties for limited liability companies that have not filed certain information. Amends TCA Section 48-247-101. by *Leatherwood, *McNally. (*HB1872 by *Sharp, *McDaniel)

THURSDAY, APRIL 29, 1999 -- TWENTY-FOURTH LEGISLATIVE DAY

Senate Bill No. 1805 -- Aged Persons - Creates enhancement factor by which sentence may be increased within appropriate range that defendant committed theft by fraud or deception against person particularly vulnerable because of age or physical or mental disability; gives person defrauded or deceived civil cause of action against defendant for treble amount of theft, attorney fees and costs. Amends TCA Title 29, Chapter 34, Part 2 and Title 40, Chapter 35, Part 1. by *McNally, *Burks, *Crowe, *Kurita, *Miller J. (*HB1687 by *Chumney)

Senate Bill No. 1826 -- Real Estate Agents and Brokers - Prohibits payment of referral fees unless prior agency relationship exists. Amends TCA Title 62, Chapter 13. by *Ramsey. (*HB1616 by *McMillan, *Rinks, *Godsey, *Mumpower, *Williams (Williamson), *Bone, *Bowers, *Lewis, *Head, *Sands)

Senate Bill No. 1882 -- Education - Requires student to be enrolled in school under name that appears on certificate of birth and to use that throughout school career. Amends TCA Title 49, Chapter 6, Part 51. by *Davis L. (*HB1840 by *Ferguson)

Senate Bill No. 1909 -- Highway Signs - Broadens eligibility for specific service signs to include all multi-lane, controlled-access roads within established guidelines; directs commissioner of transportation to add such roads to the specific service sign system. Amends TCA Title 54. by *Herron. (*HB1629 by *Maddox, *Fitzhugh)

Senate Bill No. 1914 -- Taxes, Ad Valorem - Clarifies that applicable statute of limitations for collection of ad valorem taxes assessed against real and personal property by cities and counties controlled by TCA 67-5-1806 (i.e., ten years from April 1 of year following year in which taxes became delinquent) and not six year statute of limitations that applies to state tax collection under TCA 67-1-1429 or privilege tax collection under TCA 67-1-1501 Amends TCA Section 67-1-1429 and Section 67-1-1501. by *Rochelle. (*HB1496 by *Scroggs)

Senate Bill No. 1945 -- Carroll County - Authorizes West Carroll special school district, located in Carroll County, to sell bonds, by resolution of board of education of district, in aggregate amount of \$7.5 million for school buildings and facilities. Amends Chapter 109 of the Private Acts of 1981. by *Carter. (HB1951 by *Phelan)

MESSAGE FROM THE SENATE
April 29, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 462 and 1603; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS
April 29, 1999

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 26, 226, 247, 260, 436, 482, 845, 858, 1255, 1495, 1948; House Joint Resolution(s) No(s). 50, 52, 80, 88, 92; also, House Resolution(s) No(s). 39, 40, 41, 42, 43 and 44.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
April 29, 1999

The Speaker signed the following: House Bill(s) No(s). 26, 226, 247, 260, 436, 482, 845, 858, 1255, 1495, 1948; House Joint Resolution(s) No(s). 50, 52, 80, 88, 92; also, House Resolution(s) No(s). 39, 40, 41, 42, 43 and 44.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 29, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 50, 52, 80, 88 and 92; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
April 29, 1999

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 50, 52, 80, 88 and 92.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR
April 29, 1999

The following local bills have been placed on the Consent Calendar for **May 3, 1999**: House Bill(s) No(s). 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1957, 1958, 1959 and 1964.

COMMUNICATION

Rep. John Hood requested that the following communication be spread upon the House Journal:

April 29, 1999

Due to circumstances beyond my control, I was unable to be present for the House Session on Monday, April 26, 1999. I participated in a trip sponsored by the Nashville Chamber of Commerce to Dallas, Texas, to study commuter rail. Because of weather conditions in the area, our flight was unduly delayed, causing me to miss session.

I wish to make an entry in the Journal to record my voting had I been able to be present. As far as the House Consent Calendar, I would vote 'aye,' with the exception of House Bill 810, which was bumped from the Consent Calendar. So I would vote aye on House Bill(s) 835, 1312, 1310, 1397, 113, 1119, 1102, 814, 846, 435, 1586, 1384, 1600, 1449, 1123, 1220, 1103, Senate Joint Resolution 40, House Bill 40, 482, 1255, 1941, and Senate Joint Resolution(s) 177- 184 and 186-192.

Please make entries in the Journal to show my votes on the Regular Calendar as follows: vote 'aye' on House Bill(s) 288, 201, 527, 1404, 1406, 862, 1260, 1052, 1417, 1412, 735, 141, 1519, 677, 1529, 1870, 1297, House Joint Resolution 64, House Bill(s) 922, 412, 796, 586, and 601.

Thank you for your attention to my request.

John Hood
48th Legislative District

ROLL CALL

The roll call was taken with the following results:

Present.....94

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 5:00 p.m. on Monday, May 3, 1999.